

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:08CR0534 DJS |
| |) | |
| WYNILE DERAY FLETCHER, JR., |) | |
| |) | |
| Defendant. |) | |

ORDER DENYING RECONSIDERATION OF DETENTION

This matter came before the Court on Defendant's motion to reconsider detention order (Doc. #21), requesting that the Court release Defendant on some conditions of bond. Defendant is charged with one count of the possession of an unregistered firearm and one count of being a felon in possession of a firearm, in violation of 26 U.S.C. § 5861 and 18 U.S.C. § 922(g)(1), respectively. A hearing on the government's motion for pretrial detention was initially held on October 30, 2008. Neither parties had any objections to the information contained in the Pretrial Services Report (PSR) dated October 29, 2008. Trial is scheduled for January 5, 2008.

In his motion, Defendant raises little by way of new information that was not known to and considered by the undersigned at the time of the detention hearing, and the new information raised is not persuasive. Defendant now asserts in his motion that he has been gainfully employed, working as a self-employed painter. The Court notes, however, that this assertion is directly contrary to the information in the PSR, to which Defendant raised no objection, and is also contrary to the information Defendant, himself,

provided to the undersigned at the time of his initial appearance. Nor does Defendant provide any basis for his assertion that his detention “has effectively hamstrung the efforts of the Defendant to prepare his defense for the trial.”

Further, contrary to the assertion contained in Defendant’s motion, the undersigned did, indeed, consider the entire gamut of conditions and combinations of conditions available to it for structuring a bond. After consideration of the full range of options, the Court found that no such conditions would adequately assure the appearance of the Defendant and the safety of the community. This determination was based, in part, on the fact that Defendant has a history of committing new offenses while on probation for prior offenses, and is alleged to have committed the instant offense while on probation. Defendant has not asserted any grounds in his motion that cause this Court to reconsider its Order of pretrial detention.

THEREFORE, IT IS HEREBY ORDERED that the motion of Defendant Wynile Deray Fletcher, Jr. to reconsider this Court’s prior Order of detention be **denied**, and that Defendant continue to be detained pending trial in this cause.


AUDREY G. FLEISSIG
United States Magistrate Judge

Dated this 8th day of December, 2008.